

7. As a result of such collision, the Plaintiff, Gousby, suffered injuries, suffered pain of body and mind, was unable to carry on his business, social and recreational activities, and also incurred medical expenses, which were all the direct and proximate cause of the negligent operation of a vehicle owned by Defendant USPS, by the said Michael Duong, as referenced above.
8. At the time of such operation by the said Michael Duong, the latter was an employee of the USPS, and at the time of such negligent operation, was conducting the business of the Defendant USPS. As a result of the above, the USPS is liable to the Plaintiff pursuant to statutory law since the said USPS was the owner of the vehicle operated by the said Michael Duong.
9. On or about December 28, 2011, Plaintiff presented a notice of his bodily injury claim to the United States, as required by the Federal Tort Claims Act, 28 U.S.C. §1346(b), which demand was received on December 29, 2011. Copies of said presentment are attached as "**Exhibit A**" and incorporated herein by reference.
10. On or about July 26, 2012, Plaintiff was mailed a final administrative ruling by the United States Postal Service stating Plaintiff's claim for injury was denied. A copy of said determination is attached as "**Exhibit B**" and incorporated herein by reference.

COUNT I: NEGLIGENCE
(Gousby v. USPS)

11. The Plaintiff realleges, repleads, and incorporates by reference paragraphs 1-10 above as if fully set forth herein.
12. Michael Duong owed a duty of reasonable care in the operation of the Defendant, USPS' motor vehicle to all persons on or about September 23, 2011, including but not limited to Gousby.
13. On or about September 23, 2011, Michael Duong was negligent and breached a duty of care to Gousby by failing to operate the Defendant, USPS' motor vehicle in a reasonable manner and striking the motor vehicle that the Plaintiff was operating.
14. As a direct and proximate result of the USPS' negligence, Gousby has suffered and will continue to suffer severe injuries, physical and emotional damages, pain and suffering, and has been prevented from carrying on his usual activities of daily living.

WHEREFORE, the Plaintiff, Tyrone Gousby, prays that this Honorable Court enter judgment against the Defendant, United States Postal Service, on Count I, in the full amount of any and all damages recoverable at law, cost, attorney's fees, and for such other and further relief which this Court deems just and proper.

Respectfully submitted,
Plaintiff, TYRONE GOUSBY,
By his Attorney,

/s/ David M. Lentini, II

David M. Lentini, II, Esq., BBO#: 666501
JASON STONE INJURY LAWYERS
One State Street, Suite 1500
Boston, MA 02109
(617) 523-4357
DML@StoneInjury.com

Dated: 11/28/2012